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November 6, 2012

**VIA ECF**

Honorable Judge James Orenstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: Civil Action No. CV-12-002166  
Igor Leschincky v. GEM Recovery Systems, LLC**

Dear Honorable Judge Orenstein:

I represent the Plaintiff in the above-referenced matter.

A Class Action Complaint has been filed on May 1, 2012 with this honorable court. On September 12, 2012, Your Honor ordered that our firm must either file proof of timely service on the docket or file a motion requesting an extension of the time to effect service for good cause by September 19, 2012 (*see Docket 5*). On September 13, 2012, we filed a Letter Motion for Extension of Time to File Proof of Timely Service of the Summons and Complaint on the Defendant (*see Docket 6*). Your Honor granted the motion, and ordered that our firm file proof of timely service by September 30, 2012 (*see Docket 6*). On September 27, 2012, we filed a Letter Motion for Extension of Time to File Proof of Timely Service of the Summons and Complaint on the Defendant (*see Docket 7*). Your Honor granted the motion, and ordered that our firm file proof of timely service by October 8, 2012 (*see Docket 7*).

On October 2, 2012, our firm served the Class Action Complaint and Notice of Lawsuit and Request for Waiver of Service of Summons on the Defendant. Upon receipt of the Affidavit of Service from our process server, on October 4, 2012, we filed a Summons Returned Executed with the Court (*see Docket 8*). We recently noticed that our firm inadvertently did not serve the Summons on the Defendant at the time of the service on October 2, 2012. We scheduled our process server to re-serve the Summons and the Class Action Complaint but we noticed that a Summons has inadvertently not been filed with the Court. In an effort to resolve this issue, we

submitted a Summons for issuance with the Clerk of the Court on October 22, 2012. We received a telephone call from the Clerk of the Court indicating that a Summons cannot be issued at this time unless ordered by Your Honor because a Summons Returned Executed has already been filed (although inadvertently) and because the above-referenced case was filed over 120 days ago.

Our firm has held a meeting with our attorneys and support staff. We have implemented new guidelines and procedures in an effort to prevent this situation from ever occurring in the future. We are sincerely apologetic to this honorable court and to Your Honor for consuming time on this issue and we assure you that our restructuring will eliminate such issues from ever occurring in the future. We kindly ask that Your Honor allow a Summons to be issued by the Clerk of the Court and for us to be afforded the opportunity of properly serving the Summons and Class Action Complaint on the defendant.

Thank you for your courtesies and for your time and attention to this matter.

Very truly yours,

/s/

Maxim Maximov, Esq.